

Telecopier Cover Sheet

Date: July, 21, 2003

To: Assistant Commissioner for Patents
FAX #: 707-308-6459
Phone: 707-308-6508

From: Donald Wenskay
FAX #: 818-557-8440
Phone: 818-560-8973

Total Number of Pages (including this cover sheet): 9
If you do not receive all of these pages, please call 818-560-8953.

Comments

See attached

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message. Thank you.

BEST AVAILABLE COPY

PATENT

Attorney Docket No.: D 8242-PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: BrainX.com

Attn.: BOX PCT

International filing date: 08 May 2000

PCT Legal Dept.

International Application No.: PCT/US00/12686

U.S. Application No.: 10/031,806

Examiner: TBD

Title: INTERACTIVE COMPUTER
NETWORKED STUDY AID AND GUIDE

PETITION UNDER 37 CFR 1.181 FOR THE RECONSIDERATION
OF THE HOLDING OF ABANDONMENT

Assistant Commissioner for Patents
Box PCT
Washington, DC 20231
Attn: Legal Dept.

Sir:

A Notification of Missing Requirements was mailed 14 May 2002 in the present case. Application never received this Notification because it was sent to an incorrect Pennsylvania address instead of the correct address in California. The Applicant discovered the existence of the Notification during a status call to the PCT Help desk on 9 June 2003. The Help Desk suggested that a request be sent explaining the situation and then indicated that the Notification would be resent and the abandonment would be withdrawn because of the U.S.P.T.O. error in the address.

In response to applicant's 10 June 2003 request, Paralegal Specialist Nguyen Ngoc-Ho sent a letter asserting that no correspondence address was submitted on filing in accordance with 37CFR 1.33(a), and that the address was "properly picked up from the address listed on the Express Mail label". Difficulty in reading the handwritten Express

BEST AVAILABLE COPY

Mail return address was apparently the source of the incorrect address. A Notice of Abandonment was then mailed on 25 June 2003.

Applicant respectfully requests the reconsideration of the holding of abandonment. Applicant believes that a correspondence address was properly submitted on filing in accordance with 37 CFR 1.33(a). This section requires that


...a correspondence address must be set forth in either an application data sheet (Section 1.76), or elsewhere, in a clearly identifiable manner, in any paper submitted with an application filing.

Attached herewith, as Exhibit A, is a copy of the Transmittal Letter and accompanying documents filed under 35 USC 371 on 10 November 2001. This filing included a Declaration of Mailing by Express Mail, which clearly contains the attorney's typewritten address. Furthermore, included with Exhibit A is a copy of the check submitted for the payment of fees, which also clearly shows the attorney's address.

Finally, Applicant notes that an additional alternative to relying on a difficult to read Express Mail return address, would have been to obtain the address from the roster of registered Agents and Attorneys using the attorney's registration number that appears twice on the papers filed.

For the foregoing reasons, Applicant respectfully requests the withdrawal of the holding of abandonment. If any questions remain, the PCT Legal Department is requested to call the undersigned at the phone number below to expedite the prosecution of this application.

Respectfully Submitted,


Donald L. Wenskay
Reg. No. 32661

Donald L. Wenskay
Attorney at Law
132 El Camino Real, Suite 314
Encinitas, CA 92024

Phone: 858-756-9730
Fax: 858-756-8503

Enclosure

BEST AVAILABLE COPY

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

D 8242 - PCT

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/US00/12686

INTERNATIONAL FILING DATE

8 May 2000

PRIORITY DATE CLAIMED

12 May 1999

TITLE OF INVENTION

Interactive computer networked study aid and GUI

APPLICANT(S) FOR DO/EO/US

Brain K. Cam

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☒ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
---	--	-------------------------------	--	--------------------------	--

21. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS PTO USE ONLY	
				\$	50
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	65
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	108 - 20 =	88	x \$18.00	\$	792.00
Independent claims	8 - 3 =	5	x \$84.00	\$	200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				\$	+ \$280.00
TOTAL OF ABOVE CALCULATIONS =				\$	1,107
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$	1,107
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$	1,107
				Amount to be refunded:	\$
				charged:	\$

a. ☐ A check in the amount of \$ 1,107.00 to cover the above fees is enclosed.


b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:


 SIGNATURE
Donald Wensley
 NAME
32661
 REGISTRATION NUMBER

PATENT
ATTORNEY DOCKET NO. D 8242 - PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BRAINX.COM
International application No.: PCT/US00/12686
International filing date: May 8, 2000
Priority date: May 12, 1999
Title : INTERACTIVE COMPUTER NETWORKED STUDY AID
AND GUIDE

Commissioner of Patents and Trademarks
Washington DC 20231
Box PCT

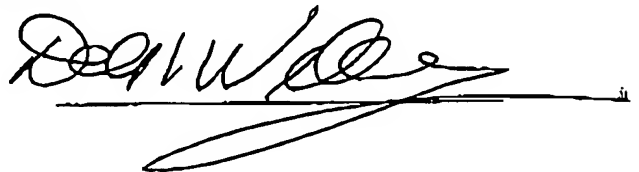
DECLARATION OF MAILING BY EXPRESS MAIL

DONALD L. WENSKAY declares as follows:

1. I reside at 2355 Dove Hollow Road Olivenhain, CA 92024 and am registered to practice under Reg. No. 32661.
2. On November 10, 2001, I deposited in the mail, Express Mail service of the United States Postal Service the contents of the envelope for which Express Mail receipt No. ET841797498US was issued addressed to: Commissioner of Patents and Trademarks, Box PCT Washington, DC 20231.
3. Attached hereto is a true copy of the Express Mail receipt No. ET841797498US.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patents issued thereon.

Date: 11-10-01



ET 841797498 US

BEST AVAILABLE COPY

DONALD L. WENSKAY COL 8447059
 MARSHA S. WENSKAY COL 8447053
 333 DOVE HOLLOW ROAD
 CUPERTINO, CA 95024
 (408) 256-8581

18-6671220
 DATE 11-10-68

9183

PAY TO THE ORDER OF Commissioner of Pictorial & Technical \$ 1107.00
eleven hundred seven and 00/100 DOLLARS

BANK OF AMERICA
 RANCHO ENCINITAS BRANCH #1182
 1340 ENCINITAS BLVD.
 ENCINITAS, CA 92024
 760-830-3220

FOR [Signature]

⑆ 2200066 10 9183 ⑆ 11828 ⑆ 06911 ⑆

BEST AVAILABLE COPY

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

REVISED VERSION

(19) World Intellectual Property Organization
International Bureau



(43) International Publication Date
23 November 2000 (23.11.2000)

PCT

(10) International Publication Number
WO 00/70582 A1

(51) International Patent Classification:
5/04, 7/00

G09B 3/00,

(74) Agents: CISLO, Daniel, M. et al.; Suite 900, 233 Wilshire
Boulevard, Santa Monica, CA 90401 (US).

(21) International Application Number: PCT/US00/12686

(22) International Filing Date: 8 May 2000 (08.05.2000)

(25) Filing Language: English

(26) Publication Language: English

(31) Designated States (national): AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GE, GD, GH, GM, GR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW.

(30) Priority Data:
60/133,760

12 May 1999 (12.05.1999) US

(34) Designated States (regional): ARIPO patent (GR, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, EG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

(71) Applicant (for all designated States except US):
BRAINX.COM [US/US]; 86 Cloverwood Avenue,
Newbury Park, CA 91320 (US).

(72) Inventor; and

(75) Inventor/Applicant (for US only): LEWOLT, Bruce
[US/US]; 86 Cloverwood Avenue, Newbury Park, CA
91320 (US).

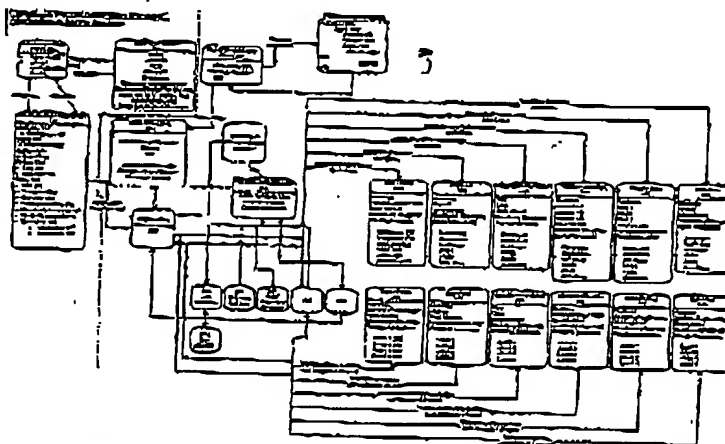
Published:

With international search report.

(88) Date of publication of the revised international search
report:
5 July 2001

[Continued on next page]

(54) Title: INTERACTIVE COMPUTER NETWORKED STUDY AID AND GUIDE



(57) Abstract: An interactive study aid provides student- or other source-selected (208) question for studying. Preferably in conjunction with machine-implemented or other information processing, the interactive study aid of the present invention provides a student with the ability to acquire, present/study, and collaborate upon study material (202) information. Acquisition of study material (202) information may be made through soft-text resources such as digital books or online resources. A pen scanner may be used to access hard copy information making pertinent portions available to the interactive study aid. Study material information may also be entered by hand. Upon entering the study material, the student can indicate the likelihood of its appearing on a test or the importance of the information to the student. Study session orchestrated by an Intelligent Learning Agent guide the student towards that material he or she is the most interested in either for tested/evaluated course work, for a grade or for self study and interest.

WO 00/70582 A1

BEST AVAILABLE COPY

REVISED
VERSION

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US00/12686

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G09B 3/00, 5/04, 7/00

US CL : 434/118, 157, 185, 308, 309, 317, 320, 322, 341

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 434/118, 157, 185, 308, 309, 317, 320, 322, 341

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y, P	US 6,015,297 A (LIBERMAN ET AL.) 18 JANUARY 2000, COL. 1-8	1-46
Y, P	US 6,077,085 A (PARRY ET AL.) 20 JUNE 2000, COL. 2-26.	1-46
A	US 4,135,314 A (YAMAMOTO) 23 JANUARY 1979, COL. 1-5	1-46
A	US 5,632,624 A (CAMERON ET AL.) 27 MAY 1997, COL. 1-5.	1-46
A	US 3,818,610 A (BABA ET AL.) 25 JUNE 1974, COL. 1-6	1-46

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

Special categories of cited documents:	
A document defining the present state of the art which is not considered to be of particular relevance	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to underscore the principle or theory underlying the invention
B earlier document published on or after the international filing date	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is considered with one or more other such documents, such combination being obvious to a person skilled in the art
O document referring to an oral disclosure, use, exhibition or other means	*Z* document member of the same patent family
P document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

20 MARCH 2000

Date of mailing of the international search report

03 APR 2001

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

OLEN BURGESS

Telephone No. (703) 305-4792

Form PCT/ISA/210 (second sheet) (July 1998)*

BEST AVAILABLE COPY